



EPA Region 5 Records Ctr.



336261

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Tel: 216-869-4200

September 28, 1993

AIRBORNE

Ms. Marsha A. Adams, 5HSM-5J  
Responsible Party Search Section  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: Section 104(e) Request -  
Stickney Avenue Landfill and Tyler Street Dump Sites, Toledo, Ohio

Dear Ms. Adams:

Enclosed herewith is the response of GenCorp Inc. to the above referenced request.

Sincerely yours,

William A. Simon, Jr.  
Assistant General Counsel

tam  
88  
Enclosure

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SUPERFUND PROGRAM  
MANAGEMENT BRANCH

RESPONSE OF GENCORP INC. ("GENCORP")  
TO U.S. EPA REQUEST FOR  
INFORMATION MADE PURSUANT  
TO SECTION 104(e) OF CERCLA FOR  
STICKNEY AVENUE LANDFILL & TYLER STREET  
DUMP SITES IN TOLEDO, OHIO

General Objections

GenCorp makes the following General Objections applicable as appropriate to the entire request.

1. GenCorp objects to the Information Requests to the extent such requests seek information protected under the authority of 28 U.S.C. §2072, other statutory and common law and by the attorney-client privilege or attorney work-product doctrine.

2. GenCorp objects to any and all requests which seek information pertaining to any facilities prior to the time that GenCorp purchased and/or conducted operations at said facilities on the grounds that GenCorp lacks sufficient information to formulate a meaningful response to such requests, such requests are unduly burdensome and such requests would require GenCorp to engage in meaningless speculation.

3. GenCorp objects to any requests which seek to have GenCorp "Identify all persons . . . having knowledge . . ." on the grounds that such requests are unduly burdensome, call for meaningless speculation and are beyond the scope of the authority granted to U.S. EPA pursuant to 42 U.S.C. §9405(e)(2). Notwithstanding this objection, GenCorp has made a good faith effort consistent with its legal obligations to provide responsive information.

Objections to Instructions Nos. 3, 6, 7, 8, 11 and 14

1. GenCorp objects to Instruction No. 3 on the basis that CERCLA does not mandate that a response "identify all contributing sources of information", nor is it at all clear what this phrase in the instructions means. Additionally, GenCorp is not producing any material which is subject to the attorney-client privilege or other privilege, or which constitute protected attorney-work product, or which are not otherwise discoverable.

2. GenCorp objects to Instruction No. 6 for the reason that it is unduly burdensome and overbroad by seeking to require responses based upon "all information and documents" in the "possession, custody or control" of "former or current employees, agents, servants, contractors or attorneys." GenCorp further objects to Instruction No. 6 for the reason that CERCLA §104(e) does not require GenCorp to furnish the EPA with information outside of its control, as would be the case with former employees and contractors.

3. GenCorp objects to Instruction No. 7 on the grounds that the requirement for "notarized affidavits" is beyond the scope of authority granted U.S. EPA pursuant to 42 U.S.C. §9604(e)(2).

4. GenCorp objects to Instruction No. 8 to the extent it requires GenCorp to guess or provide a speculative response.

5. GenCorp objects to any attempt by EPA to create a continuing duty for GenCorp to supplement its response, on the grounds that such instruction exceeds the

statutory authority of CERCLA. Without waiving its objection, however, if GenCorp becomes aware of any information that demonstrates its response was incorrect when made, though believed to be correct when made, or is no longer true, then GenCorp will voluntarily supplement its response.

6. GenCorp objects to Definition No. 1 on the basis that "you" and "Respondent" are defined to include contractors, trustees and agents, which is beyond the scope of inquiry set out in CERCLA. Section 104(e) of CERCLA does not require GenCorp to furnish the EPA with information outside of its control.

7. GenCorp objects to Definition No. 4 to the extent that it expands the definition of "hazardous substance" contained in CERCLA by including petroleum products. However, without waiving its objection, GenCorp will employ this definition in the formulation of its responses.

\* \* \* \*

In response to each numbered request, GenCorp states as follows:

1. REQUEST

Identify all persons consulted in the preparation of the answers to these Information Requests.

RESPONSE

The following list of persons was consulted in the preparation of the responses to these information requests:

Ronald W. Frase, Manager Corporate Environmental Technology  
GenCorp Inc.  
175 Ghent Road  
Fairlawn, Ohio 44333-3300  
(216) 869-4342  
Works in the area of environmental compliance.

Mike Sapovich, Environmental Coordinator  
Textileather Corp.  
3729 Twining Street, P. O. Box 875  
Toledo, Ohio 43696  
(419) 729-3731  
Began work as a Process Engineer in 1965; assumed responsibility for plant environmental compliance 1971.

Felix Teczynski, Oiler: Maintenance (Retired)  
GenCorp Polymer Products Toledo Plant  
3729 Twining Street, P. O. Box 875  
Toledo, Ohio 43696  
(419) 729-3731

Frank Komisarik  
John Poskar  
Textileather Corp.  
3729 Twining Street, P. O. Box 875  
Toledo, Ohio 43696  
(419) 729-3731  
Messrs. Komisarik and Poskar and long-time production workers at the Twining Street facility.

William A. Simon, Jr.  
GenCorp Inc.  
Assistant General Counsel  
175 Ghent Road  
Fairlawn, OH 44333-3300  
(216) 869-4253

2. REQUEST

Identify all documents consulted, examined, or referral (sic) to in the preparation of the answers to these Requests and provide copies of all such documents.

## RESPONSE

Objection. GenCorp objects to Information Request 2 to the extent it seeks information protected by the attorney work-product doctrine or attorney-client privilege. GenCorp further objects to Information Request 2 to the extent such request conflicts with the privileges and protections granted to GenCorp under the rules established pursuant to 28 U.S.C. §2072.

### 3. REQUEST

If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

## RESPONSE

Objection. GenCorp objects to this request because it is overly broad, vague and ambiguous and calls for speculation which is beyond the scope of authority granted to U.S. EPA pursuant to 42 U.S.C. §9604(e)(2).

### 4. REQUEST

List the EPA Identification numbers of the Respondent if applicable.

## RESPONSE

Respondent is a Corporation which owns and has owned many facilities, each of which has an EPA Identification number. Only one of those facilities had any connection with the Stickney Avenue Landfill and Tyler Street dump sites ("Sites"). That plant, located at 3729 Twining Street, Toledo, Ohio, was owned and operated by GenCorp and/or its wholly owned subsidiaries from 1954 until June, 1990 when Textileather purchased the plant. Only the Identification number for that Toledo facility is responsive to the request. At the time GenCorp owned the Toledo Plant, it's EPA Identification number was OHD 980 279 376.

### 5. REQUEST

Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of

hazardous substances, pollutants or contaminants, and damages resulting therefrom.

#### RESPONSE

Objection. Because this request is not limited to the Sites, GenCorp objects to this request on the grounds that it is overly broad and burdensome and vague and calls for meaningless speculation. Assuming the request pertains to the Sites, GenCorp further objects to this request to the extent it is intended or construed by any person or entity to be an admission that acts or omissions of GenCorp's employees, contractors, or agents caused a release or threat of release of hazardous substances, pollutants or contaminants at the Site. However, should it be determined by a judicial or similar body that agents, contractors or employees of GenCorp caused or contributed to a release or threat of release of hazardous substances, contaminants or pollutants at the Site, nothing in this response is intended or shall be construed as a waiver of any rights of contribution, indemnification or other recovery that may exist at law or in equity against such agent, contractor or employee.

Without waiving the foregoing objections, GenCorp states that, upon information and belief, the City of Toledo operated the Sites as public landfills, accepting various wastes including wastes from industry in and about the Toledo area. GenCorp submits that under Ohio law the City of Toledo is responsible for the proper closure of the Sites consistent with State law.

#### 6. REQUEST

Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

#### RESPONSE

Subject to General Objection 3, see response to Request 1.

#### 7. REQUEST

Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. (Subsections deleted in the interest of brevity.)

## RESPONSE

As to the Stickney Avenue site, GenCorp states the following:

- a. City of Toledo.
- b. At various times from the late 1950's to approximately 1962.
- c. The waste material taken to the Stickney Avenue site included paper crates, casting paper, headliner paper, vinyl scrap and trimmings, burlap bags, empty resin bags, ground limestone bags, empty drums (55 gallon), paper tubes, open top 55 gallon drums containing rags soaked in oil, grease and water. On two or three occasions, 55 gallon drums which were sealed and full of unknown liquid were placed at the site; a total of ten (10) to twelve (12) such drums were sent to the site.

While GenCorp lacks information "[F]or each transaction" relative to the "process for which the substance was used or the process which generated the process," the following are descriptions of our processes by type:

1. Fabric Dying and Finishing. This manufacturing process consisted of mixing the dyes, which came in powdered form, with water to form a dye solution. The fabric was then run on rollers through a trough containing the dye. The fabric was then run through a setting agent, formic acid, acetic acid or bichromate of soda, to assure permanence. Next the fabric was rinsed and sometimes also treated with starch or a softening agent before being dried in gas fired ovens called frames. Textiles were also at times finished by napping, which imparted a napped or brushed appearance to the textile. The department included a "garnetting" operation which processed cotton into a loose weave cloth, used as a substrate in the coated fabric department.
2. Pyroxylin Fabric Coating. The manufacturing process consisted of pouring nitrocellulose (guncotton) into a vat and then adding solvents. The resultant mix had a jelly-like consistency. Pigments were then mixed into castor oil and the castor oil mixture was added to the jelly. This mixture was spread onto cloth and the



cloth was cured in ovens. The evaporating solvents were vacuumed to activated carbon adsorbers for reclamation.

3. Vinyl Plastisol Coating. In this process, polyvinyl chloride resins were mixed with plasticizers, solvents and stabilizers to form a liquid with a honey-like viscosity. Pigments were added to the mix to yield the desired color. The liquid mixture was applied in a thin coat to a fabric substrate and cured in ovens. The resultant plastisol vinyls were given various surface textures through an embossing process.
4. Calendered Vinyl. The calendered vinyl manufacturing process produced "synthetic leather" in vinyl sheet form, usually with a fabric backing. Polyvinyl chloride resins, plasticizers, and stabilizers were dry blended in 1,200 pound or 3,000 pound batches. The material at this point had a dry powder consistency. This dry blend was mixed with pigments in 150 pound batches in a banbury mixer. From the Banbury, the "batch" was kept heated and in motion on a two roll mill. From the mill, the mix was strip fed to a calender which applied heat and pressure to bond the vinyl to a fabric substrate in a continuous sheet. The material then could have been embossed with a leather grain appearance.
5. Printing and Finishing. Pyroxylin coated fabrics, calendered vinyls and plastisol vinyl products could have been printed with a design. All were finished with a sealant which increased the product's durability. The raw materials used in these operations consisted of solvents and vinyl resins for clear vinyl (CVs) finishes, and solvents, vinyl resin, acrylic compounds and pigments for printing inks.

Designs were transferred to the sheet goods on a print/finish machine utilizing print rollers and a rotogravure process. The same machine was used to spread the finish coating onto the surface of the sheet. At the end of each operation, the sheet passed through an oven to evaporate the solvent and cure the coating. The evaporating solvents were vacuumed to carbon adsorbers for reclamation.

6. Rubber Saturating Coating. The rubber saturating and coating process involved the blending of natural and synthetic rubbers with

solvents, stabilizers and pigments. These materials were mixed, 400 gallons at a time, in churns. These liquid mixtures were pumped into a saturator, which metered the liquid into forms where it cured. The main product was rubber coated fabric.

7. Urethane Coating. This process also involved coating fabric with a liquid medium and then curing the polymer with heat. The liquid coating material consisted of urethane resin, solvents and pigments. Urethane coating began in 1963 on an existing plastisol coating line, and expanded until a new line was added in 1970. The first line was discontinued in about 1972 and urethane coating ceased completely in 1975.
  8. Army Duck. This product was created from a mixture of polyvinyl chloride copolymer, chlorinated paraffin, phthalates, solvents, and mildew inhibitor. The mixture was coated onto fabric and cured with heat. Although produced in significant quantities during World War II, production was discontinued by 1954. The process started up again in 1962 and small quantities were produced through 1968.
  9. Latex Coating. Raw materials for this process were water and latex which was purchased as a pre-mix from BFGoodrich. The solution was applied to a film and cured with heat. Gas fired "frames" were used to cure the product.
- d. GenCorp, f/k/a The General Tire & Rubber Company.
  - e. Unknown. However, during the above-referenced time period, approximately eight (8) truckloads of waste were taken to the site on a daily basis. The trucks consisted of a van type vehicle and a 2-1/2 ton flat bed stake truck.
  - f. Unknown.
  - g. Unknown.
  - h. Unknown.
  - i. N/A.

- j. Unknown.
- k. Unknown.
- l. Unknown.
- m. Unknown.
- n. See response to 7(e) above.
- o. Unknown.
- p. None.
- q. John Poskar and Felix Teczynski, see response to Request 1, above.

In regard to the Tyler Road site, GenCorp states the following:

No persons were identified who had first-hand knowledge of the use of the Tyler Road site. With the exception of Messrs. Poskar and Teczynski, all employees who drove the vehicles to dump sites are reportedly deceased. However, Mr. Poskar advises that he was told by two now deceased drivers, Zeke Long and R. T. Morris, that they drove waste to the site prior to 1960. No further information responsive to this request relative to Tyler Road was discovered.

8. REQUEST

If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

RESPONSE

Dura Avenue Dump, Kings Road, Buckeye.